

FINAL



Town of Southern Shores

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Planning Board Meeting

September 19, 2016

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Vice Chairperson Gray Berryman called the meeting to order at 5:30 pm. Planning Board Members Gray Berryman, David Neal, Jay Russell, and Alternate Member Joe McGraw were present.

II. PLEDGE OF ALLEGIANCE:

Vice Chairperson Berryman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

David Neal motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously (4-0).

IV. APPROVAL OF MINUTES:

Joe McGraw motioned to approve the minutes of the May 16, 2016 Planning Board Meeting. Jay Russell seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None.

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

- A. CUP-16-02: Conditional Use Permit application submitted by the Southern Shores Civic Association (SSCA) to provide lighted tennis courts at 320 Hillcrest Drive.

Vice Chairperson Berryman introduced the application and called on Wes Haskett to present the Staff Report (see attached). Wes Haskett presented the Staff Report.

The applicant's representative, Natalie Garrett with Coastal Engineering and Surveying, explained the proposed locations of the tennis court lights which would be screened by the existing vegetation that surrounds the courts. The tennis courts are two feet below grade which would also reduce the impacts of the lights on surrounding properties. The fixtures have no uplighting.

Joe McGraw asked why the applicant wanted the lights to turn off at 9:00 p.m. Natalie Garrett stated that up until 9:00 p.m. would allow those who work time to play after work.

Vice Chairperson Berryman opened the floor for public comment.

Jay Dunlap stated that he is a Southern Shores Civic Association (SSCA) member and is on the SSCA Tennis Committee. The SSCA has been discussing adding lighting for years and a survey was recently conducted which resulted in 113 responses with 72 saying that it was a good idea. The site is in a bowl that is surrounded by trees and it is dark at 7:30. The SSCA has the money to pay for this project if there is support and we are seeking regulatory approval and seeing if there is any opposition.

Sally Meagher stated that she has lived at 30 North Dune Loop for 19 years and is a former SSCA Board member. In 2000, the Board looked at constructing the tennis courts and there were concerns about noise, lighting, and undesirables hanging out at night. It was determined that Hillcrest was the best site but an agreement was made that the courts would never be lighted. She stated that she has no objections but wanted everyone to be aware of the history involved. Faith in the community has been breached.

Vice Chairperson Berryman closed public comments.

Vice Chairperson Berryman asked Wes Haskett about the notification process for the application. Wes Haskett stated that a public notice was sent to the Town's sunshine media list and was included in the Town's biweekly electronic newsletter. Letters to the adjoining property owners and owners across the street from the subject property are required to be sent no more than 25 days and no less than 10 days prior to the public hearing held by the Town Council.

David Neal asked if there was any opposition to lighting when it was discussed in 2000. Sally Meagher stated there was opposition with concerns that the lights would be a nuisance in a residential area.

David Neal asked if there was any opposition to the tennis courts now. Fran Kapinos stated that the neighbors and everyone thought it was a good idea to have them. Lighting has changed since the tennis courts have been built. The proposed lights would shine down and not into people's back yards.

David Neal asked if there was a noise ordinance in effect and why Town Staff had recommended the additional condition that the lights should be turned off at 9:00 p.m. Wes Haskett stated that the Town does have a noise ordinance which applies to noises that disturb the community. Town Staff suggested the 9:00 p.m. condition since the applicant was proposing it.

Vice Chairperson Berryman stated that the SSCA should be able to handle the 9:00 p.m. cut off and that the Town's involvement wouldn't be necessary.

David Neal motioned to recommend approval off the application to the Town Council with Town Staff's recommended condition that the applicant must strictly abide by all requirements of the Town's Outdoor Lighting Ordinance. Joe McGraw seconded the motion. The motion passed unanimously.

VIII. Public Comment
None.

IX. PLANNING BOARD MEMBER COMMENTS:

None.

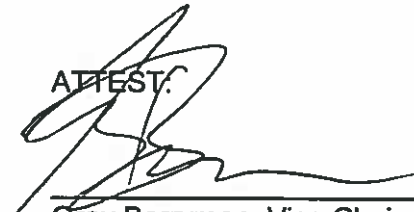
X. ANNOUNCEMENTS:

Wes Haskett stated that the next Planning Board meeting will be held on October 17th to consider a variance request.

XI. ADJOURNMENT:

Vice Chairperson Berryman adjourned the meeting at 5:52 p.m.

ATTEST:



Gray Berryman, Vice Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: September 15, 2016
Case: CUP-16-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Southern Shores Civic Association
5377 N. Virginia Dare Trl.
Southern Shores, NC 27949

Representative: Fran Kapos
40 Tenth Ave.
Southern Shores, NC 27949

Requested Action: Conditional Use Permit application to add lighting to provide lighted tennis courts at 320 Hillcrest Drive.

PIN #: 986809164460
Location: 320 Hillcrest Dr.
Zoning: RS-1, Single-Family Residential District

Existing Land Use: "Recreational"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District
South- Residential; RS-1, Single-Family Residential District
East- Residential; RS-1, Single-Family Residential District
West- Residential; RS-1, Single-Family Residential District

Physical Characteristics: Developed (existing tennis courts)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to provide lighted tennis courts at 320 Hillcrest Drive. The tennis courts were originally approved through the issuance of a Conditional Use Permit on April 20, 2001 with the condition that the courts would not be lighted and made available for night play. Community recreation facilities, including tennis courts, and concessions integral thereto are permitted uses in the RS-1, Single-Family Residential District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit,

the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Recreational in the RS-1, Single-Family Residential zoning district which is consistent with the improvements proposed in the application. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the recommended conditions. Should the Board recommend approval of the application to the Town Council, Town Staff offers the following condition for consideration:

1. The applicant must strictly abide by all requirements of the Town's Outdoor Lighting Ordinance.
2. Lighting shall be turned off at 9:00 p.m.